

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

limited to, the student's full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents' names.

See title page for effective date.

CHAPTER 18

H.P. 6 - L.D. 16

An Act to Close Elver Fishing on the West Side of the Orland River

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is necessary that this Act take effect prior to the beginning of the next elver fishing season in March 1999; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §6575-F is enacted to read:

§6575-F. West side of Orland River closed to elver fishing

A person may not fish for or take elvers within the portion of the Orland River between the west bank and the center of the river from the southernmost point of land on Fish Point to the dam in Orland.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 19, 1999.

CHAPTER 19

S.P. 21 - L.D. 13

An Act to Designate the First Saturday of Each October as Firefighter's Recognition Day

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §135 is enacted to read:

§135. Firefighter's Recognition Day

In recognition of the value and importance of firefighters, the State designates the first Saturday in October as Firefighter's Recognition Day. The Governor shall annually issue a proclamation urging the people of the State to observe the day with appropriate celebration and activity.

See title page for effective date.

CHAPTER 20

S.P. 91 - L.D. 194

An Act to Increase Nonregular Island Ferry Service from 24 to 36 Trips

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation amends the number of ferry trips provided by state-owned or privately contracted vessels for the Maine State Ferry Service from 24 to 36 in time to schedule these trips for future business; and

Whereas, the scheduling timeliness is important for the economic benefit of the island communities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA §4401, as amended by PL 1997, c. 612, §1, is further amended to read:

§4401. Ferry service for North Haven, Vinalhaven, Islesboro, Matinicus Isle, Swan's Island and Frenchboro

It is the duty of the Department of Transportation to operate a ferry route or routes between the mainland and the towns of North Haven, Vinalhaven, Islesboro, Matinicus Isle and Swan's Island for the purpose of transporting vehicles, freight and passengers to and from these towns, and the department may operate the ferry route or routes to and from Frenchboro. Ferry service to Matinicus Isle must be at least 12 times per year and may be up to ~~24~~ 36 times per year and may be provided by state-owned or privately

contracted vessels. These ferry routes are designated as the "Maine State Ferry Service." During periods of facility repair or maintenance or during periods of extraordinary demand, the department may carry out its responsibilities by utilizing privately contracted vessels to provide additional or substitute service to islands served by the Maine State Ferry Service as long as the use of privately contracted vessels is in accordance with an agreement between the department and the State's collective bargaining agent as defined in Title 26, section 979-A, subsection 1.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 19, 1999.

CHAPTER 21

S.P. 260 - L.D. 755

An Act Regarding the Assignment of Insurance Benefits for Dental Care

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24 MRSA §2332-H, as enacted by PL 1997, c. 604, Pt. E, §1, is amended to read:

§2332-H. Assignment of benefits

All contracts providing benefits for medical or dental care on an expense-incurred basis must contain a provision permitting the insured to assign benefits for such care to the provider of the care. An assignment of benefits under this section does not affect or limit the payment of benefits otherwise payable under the contract.

Sec. 2. 24-A MRSA §2755, as enacted by PL 1997, c. 604, Pt. E, §2, is amended to read:

§2755. Assignment of benefits

All policies providing benefits for medical or dental care on an expense-incurred basis must contain a provision permitting the insured to assign benefits for such care to the provider of the care. An assignment of benefits under this section does not affect or limit the payment of benefits otherwise payable under the policy.

Sec. 3. 24-A MRSA §2827-A, as enacted by PL 1997, c. 604, Pt. E, §3, is amended to read:

§2827-A. Assignment of benefits

All policies and certificates providing benefits for medical or dental care on an expense-incurred

basis must contain a provision permitting the insured to assign benefits for such care to the provider of the care. An assignment of benefits under this section does not affect or limit the payment of benefits otherwise payable under the policy or certificate.

Sec. 4. 24-A MRSA §4207-A, sub-§5-A, as enacted by PL 1997, c. 604, Pt. E, §4, is amended to read:

5-A. Assignment of benefits. All point-of-service contracts and certificates must contain a provision permitting the insured to assign any benefits provided for medical or dental care on an expense-incurred basis to the provider of the care. An assignment of benefits under this subsection does not affect or limit the payment of benefits otherwise payable under the contract or certificate.

See title page for effective date.

CHAPTER 22

H.P. 353 - L.D. 469

An Act Concerning the Requirement for Surety Bonds for County Treasurers, Sheriffs and Chief Deputies

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §153, as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§153. Bond required

The person elected under section 152 and accepting the office of county treasurer shall give bond to the county for the faithful discharge of duties in the sum ordered by the commissioners and with such sureties as they approve in writing on the bond. Surety and fidelity insurance coverage provided by a public sector self-funded risk pool organized pursuant to section 2253 in the sum ordered by the commissioners is deemed to comply with the requirements of this section.

Sec. 2. 30-A MRSA §161, as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§161. Deputy treasurers; duties

Each county treasurer may appoint a deputy treasurer for ~~the~~ that treasurer's county, subject to the requirements of section 501. The deputy treasurer shall assist the treasurer in performing the duties of the